IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE FIFTEENTH DAY OF SEPTEMBER

TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 28921 of 1995

Between:

Madhusudan Babubhai Kocha of Bombay Indian Inhabitant carrying on business on sole Proprietor in the name and style of M/s Chloro Control Equipment having his office at 13/ME, Laxmi Industrial Estate, New Link Road, Andheri (WEST), BOMBAY-400053., rep. by GPA Milin Madhusudan Kocha, s/o Sri Madhusudan Babu Bhai, r/o Bombay.

..... PETITIONER

AND

1 Hyderabad Metropolitan Water Supply & Severage Board, Khairatabad, Hyderabad, rep. by its Chairman,
2 Deputy General Manager, P & M Circle, Hyderabad Metropolitan Water Supply & Severage Board,Khairatabad, HYDERABAD-500004.
3 Hyderabad Municipal Corporation, Constituted under the Provisions of Hyderabad Municipal Corporation Act, 1956, having office at Sagar View, Tank Bund, rep. by its Commissioner.
4 State of A.P, rep. by its Secretary, Municipal Administration, Govt. of A.P., Secretariat, Saifabad, Hyderabad.
5 Mettito Arabia Industries Ltd., having its head office at P.O.Box 6133, Riyad 11442, Saudi Arabia,& a branch office at B-9, Kings corner, opp.Victoria Chruch, L.J.Road, Mahim, Bombay-400 016., rep. by its Managing Director.
(R5 is dismissed for default as per court order dt:7/2/2003)
6 Metito Pollution Control India Pvt Ltd. rep by its Chief Executive,Depak Desai,r/o Bombay.
(R6 is impleaded as per Court order at 11.4.96 in WPMP No. 3798/96)

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ, direction or order particularly in the nature of writ of mandamus under Art.226 of the constitution of India calling for the records and proceedings pertaining to the decision of respondents 1 to 4 to award the tender for design, manufacture, delivery and installation, testing, commissioning etc. of chlorination plants to Mettito Arabia Industries, the respondent no.5 herein and after examining the validity, legality and propriety thereof, to declare the same as illegal, arbitrary, and directing the respondents 1to4 to forthwith cancel and/or withdraw the impugned decision of accepting the tender of design, manufacture, delivery and installation, supply, commissioning, testing etc, of Mettito Arabia Industries, the 5th respondent herein and to forthwith issue Notification of award under Clause II 37 of Tender documents to the petitioners for the tender submitted by them for design, manufacture, delivery, installation, supply, commissioning, testing etc., and issue work order to the petitioners and allow the petitioners to commission and complete the said work and award costs.

Counsel for the Petitioner: Mr.K.SRIDHAR RAO

Counsel for the Respondent No.1: Mr.Krisan Rao (SC FOR Hyderabad Metropolitan Water Supply and Severage)

Counsel for the Respondent No.2 : Mr. Kotamraju Janardana Rao.

Counsel for the Respondent No.3 : Mr.Ghanta Ramarao, S.C. for MCH

Counsel for the Respondent No.4 : The Government Pleader for Municipal Administration.

Counsel for the Respondent No6 : Mr. Y. Ratnakar.

The Court made the following ORDER:

None appears for the petitioner.

Counsel for the petitioner submits that the subject-matter of the Writ Petition has become infructuous. Submission is placed on record. Writ Petition is dismissed as having become infructuous. No costs.

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(N.V.RAMANA,J)

15th September, 2004.

Tsy/ksr

To

1 The Chairman,
Hyderabad Metropolitan Water Supply & Severage

Board, Khairatabad, Hyderabad.

2 The Deputy General Manager, P & M Circle,
Hyderabad Metropolitan Water Supply &
Severage Board,Khairatabad, HYDERABAD-500004.

3 The Commissioner,
Hyderabad Municipal Corporation, Constituted under
the Provisions of Hyderabad Municipal Corporation
Act, 1956, having office at Sagar View, Tank Bund,
Tank Bund, HYDERABAD.

4 The Secretary,
State of A.P, Municipal Administration, Govt. of
A.P., Secretariat,
Saifabad, Hyderabad.

5 The Managing Director,
Mettito Arabia Industries Ltd.,
having its Head Office at P.O.Box.6133
Riyadh 11442, Saudi Arabia,& a branch office at B-9,
Kings corner, opp.Victoria Chruch,
L.J.Road, Mahim, Bombay-400 016.

6 The Chief Executive, Depak Desai,
Metito Pollution Control India Pvt Ltd., Bombay.

7 Two CD Copies.